IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 1338 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE D.H.WAGHELA Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

1 to 5 No

1.SHRI KISHORE HIMATLAL MEHTA & 5 OTHER

Versus

DR.O.P.BILLORE(M.S.) & 1 OTHER

Appearance:

MR SH SANJANWALA for Petitioners

MR AJ SHASTRI for Respondent No. 1

MR ST MEHTA APP for Respondent No. 2

CORAM : MR.JUSTICE D.H.WAGHELA

Date of decision: 03/03/2000

ORAL JUDGEMENT

The learned advocate appearing for applicants Nos.1 to 7 submits that he does not press the application

in respect of applicants Nos.3 & 7. Learned advocate Mr.A.J.Shastri appearing for respondent No.1, the original complainant, submits on instructions from his client that he proposes not to press the complaint and any charges against applicants Nos.1, 2, 4 & 5 as also applicant No.6 as it is the firm of which respondent No.3 is the proprietor. Thus, applicants Nos.3 & 7 against whom the complaint and charge stands are withdrawing the present application. The learned counsel on both sides have requested that this matter may be disposed of on the aforesaid lines without spelling out any reasons so as to facilitate the making and hearing of appropriate application before the trial court including an application for discharge by the present applicants Nos.3 & 7 which may be decided on its own merits.

2. Accordingly, the process and proceedings as also the order to issue summons in Criminal Case No.2857 of 1990 pending before the learned Chief Judicial Magistrate, Navsari are quashed and set aside as far as the original accused Nos.1, 2, 4, 5, 6-A and 6-B are concerned. As for the other accused, the learned trial court shall proceed expeditiously in accordance with law. The application stands allowed to the aforesaid extent. Rule is discharged and interim relief granted earlier stands vacated. There shall be no order as to costs.

Sd/-

(KMG thilake)

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